

REMARKS

Claims 1-12 remain in the present application. Claims 13-18 are added herein. Claims 1, 3, and 8-9 are amended herein. Applicants respectfully submit that no new matter has been added as a result of the claim additions and amendments. Applicants respectfully request further examination and reconsideration of the rejections based on the amendments and arguments set forth below.

Oath or Declaration

The originally-filed Oath or Declaration is defective as it does not identify the citizenship of each inventor. Applicants are currently in the process of locating the inventors such that a new Oath or Declaration that correctly lists the citizenship of each inventor can be submitted.

Claim Rejections – 35 U.S.C. §102

Claims 1-12 are rejected in the present Office Action under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,199,050 to Alaia et al. (hereafter referred to as “Alaia”). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-12 are neither anticipated nor rendered obvious by Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 1 that recites an auction method for implementing automatic extension of an auction in response to bidding activity from auction participants comprising (emphasis added):

a) setting an end time for concluding an auction;

- b) receiving bids from remote bidders via a distributed computing network;
- c) measuring a number of bids received within a predetermined time of the auction end time;
- d) if the measured number of bids exceeds a threshold number of bids, extending the duration of the auction automatically and setting a new auction end time; and
- e) notifying auction participants of the new auction end time.

Independent Claim 8 recites limitations similar to independent Claim 1. Claims 2-7 and 9-12 depend from independent Claims 1 and 8 and recite further limitations to the claimed invention.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “if the measured number of bids exceeds a threshold number of bids, extending the duration of the auction automatically and setting a new auction end time” as recited in independent Claim 1. As recited and described in the present application, the duration of the auction is extended if the bids received exceed a threshold number of bids.

In contrast to the claimed embodiments, Applicants understand Alaia to teach commencing “overtime” upon the receipt of a single trigger bid (Figure step 530 of Figure 11; col. 13, lines 53-56). As such, Applicants respectfully assert that Alaia teaches away from the claimed embodiments by teaching commencement of overtime based upon a single bid instead of multiple bids as claimed.

Further, Applicants understand Alaia to teach identification of the trigger bid based upon the characteristics of that bid (Figure step 530 of Figure 11; col. 13, lines 61-67). As such, Applicants reiterate that Alaia teaches away from the claimed embodiments by teaching identification of a trigger bid based upon the

characteristics of that bid instead of extending auction end time based upon a *quantity of multiple bids* received in a given time interval as claimed.

Additionally, Applicants fail to find any teaching or suggestion of the limitations of “notifying auction participants of the new auction end time” as recited in independent Claim 1. As such, Applicants respectfully request clarification from the Examiner as to where this claim limitation is taught or suggested by Alaia.

For these reasons, Applicants respectfully submit that independent Claim 1 is neither anticipated nor rendered obvious by Alaia, thereby overcoming the 35 U.S.C. §102(b) rejection of record. Since independent Claim 8 recites limitations similar to those discussed above with respect to independent Claim 1, independent Claim 8 also overcome the 35 U.S.C. §102(b) rejections of record. Since dependent Claims 2-7 and 9-12 recite further limitations to the invention claimed in their respective independent Claims, Claims 2-7 and 9-12 are also neither anticipated nor rendered obvious by Alaia. Therefore, Claims 1-12 are allowable.

New Claims 13-18

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is dynamically adjustable during said auction” as recited in Claims 13 and 14. As recited and described in the present application, the threshold number of bids is dynamically adjustable during said auction.

In contrast to the claimed embodiments, Applicants understand Alaia to teach that trigger values are set prior to the beginning of the auction (see step 505 of Figure 11). Additionally, Alaia expressly teaches that the trigger values are accessed “when an auction loaded” (col. 14, lines 36-37). Further, Applicants find no teaching of any adjustment of these trigger values during the auction. As such, Applicants respectfully assert that Alaia teaches away from the claimed embodiments by teaching trigger values that are not adjustable during an auction instead of thresholds that are dynamically adjustable during an auction as claimed.

Additionally, with respect to Claims 15-18, Applicants respectfully assert that Alaia fails to teach or suggest the limitations of “measuring a rate at which incoming bids are received” as recited in newly-added independent Claim 15. Additionally, Applicants respectfully assert that Alaia fails to teach or suggest the limitations of “if the measured rate of exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time” as recited in newly-added independent Claim 15.

For these reasons, Applicants respectfully assert that new Claims 13-15 are neither anticipated nor rendered obvious by Alaia. Additionally, since new Claims 16-18 depend from independent Claim 15 and recite further limitations to the claimed invention, Applicants respectfully assert that new Claims 16-18 are also neither anticipated nor rendered obvious by Alaia.

CONCLUSION

Applicants respectfully submit that Claims 1-18 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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